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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,031	12/27/2001	Rumiko Inoue	FUJI 19.311	8631
26304	7590	09/30/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			CHUEN, MICHAEL P.	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2661	
DATE MAILED: 09/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

X

Office Action Summary

Application No.

10/033,031

Applicant(s)

INOUE, RUMIKO

Examiner

Michael Chuen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2) Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Meempat et al.

Meempat et al. in US patent number 6,904,017 disclose a voice over IP call management system (applicant's communication control apparatus) comprising a domain gatekeeper **32'** (call managing unit) which identifies the source and destination gateways and the amount of bandwidth required. Meempat et al. also disclose a Call Control Database **36** (determination unit), which in response to a path query message (request for connecting a new call) from the domain gatekeeper **32'** determines whether sufficient bandwidth exists. If sufficient bandwidth exists, path identifiers are returned to

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the domain gatekeeper **32'**. If there is insufficient bandwidth, a "call reject" message is sent to the domain gatekeeper **32'** (column 6, line 4).

With respect to claim 2, Meempat et al. disclose an apparatus which determines if enough bandwidth is allocated for the predetermined route.

With regards to claim 3, the method described has the same functionality as the apparatus claimed in the applicant's first claim.

With respect to claim 4, Meempat et al. disclose a voice over IP call management system (communication system in which packets are transferred over an IP network) comprising a media gateway **24** connecting a calling party **10** (terminal) to the system. Meempat et al. disclose the same domain gatekeeper **32'** as above which "queries a local routing database to locate an available media gateway **24'** that can terminate the called number; it also obtain the IP address of this gateway" (column 5, line 47). Lastly, the communication control apparatus is the same as the apparatus disclosed in claim 1 above.

With regards to claim 5, the domain gatekeeper **32'** disclosed by Meempat et al. encompasses the functionality of the applicant's call managing unit and gatekeeper. Meempat et al.'s gatekeeper **32'** can internally provide an IP address to the part which handles detection of the current state of communications. The domain gatekeeper **32'** communicates with the Call Control Database **36** (determination unit) via a path query message.

Conclusion

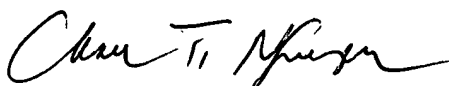
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ash et al. provide a packet network which selects a path between two routers based on available bandwidth and the class of service of the call. Kung et al. disclose a call manager which identifies an IP address when given a corresponding phone number.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chuen whose telephone number is 571-272-5206. The examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MPC



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SUPERVISORY PATENT EXAMINER
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